

Remarks

Claims 2 and 10 are hereby cancelled without prejudice. Applicant preserves the right to pursue these claims in related applications.

Claims 1, 9, 19 and 20 are hereby amended. No new matter has been introduced by these amendments. Support for these amendments is found in the specification, at page 5 line 24-25, which recites "each side may include an axial opening for housing a central hub" and line 27-28 which recites "Fig. 3 illustrates an example of a processing bag 300 having a hub 302 provided in the axial opening on at least one side of the bag." The axial opening is also illustrated in Fig. 2b, Fig. 5b and Fig 5c.

Priority

In the previous response, Applicant asserted that the '451 application was not properly prior art since the application claimed priority to an earlier U.S. application. Applicant's assertion was based on the first paragraph of the disclosure, which recites a priority statement. Upon review of the prosecution history, Applicant acknowledges that no proper priority claim was made by prior counsel, and the date for amending the priority of this application has lapsed. The statement made in the prior response was made without deceptive intent, and any assertion of priority made in the prior response is hereby withdrawn. Accordingly, Applicant requests guidance from the Office regarding whether the paragraph on page 1, lines 9-16 should be deleted.

Rejections Under 35 USC §102(b)

The claims stand rejected under 35 USC §102(b) in view of various references which will be discussed in turn. Applicant provides herewith a Declaration under 37 C.F.R. §1.132. Applicant asserts that the Declaration, the arguments presented herein, as well as the amendments to the claims are sufficient to traverse the current §102(b) rejections, and respectfully requests withdrawal of the same.

A. WO 01/30505 and WO 02/28451

Claims 1, 2, 4-6, 8-10, 12, 14-18 and 20 stand rejected under 35 USC §102(b) as being anticipated by the '505 application (WO 01/30505) and the '451 application (WO 02/28451), made of record in a prior office action. Applicant has previously amended independent claims 1, 9, 19 and 20 to recite that "the expandable wall includes at least one pair of corresponding connected

partitions, wherein a first partition of the pair of partitions includes a first circumferential end attached to the circumference of the first side of the flexible chamber and wherein a second partition of the pair of partitions includes a second circumferential end attached to the circumference of the second side of the flexible chamber". Applicant asserts this partition structure is not disclosed by the '505 application.

The Office has construed the '505 application as disclosing "a flexible chamber ("bag set 20", page 3, line 25)" further having "an accordion wall (see Fig. 3)" (see, Office Action, page 3, paragraph 5). The Examiner has correctly identified that Fig. 3 illustrates a "bag set", *i.e.*, more than one bag, not a single bag. As shown in Fig. 3, there are six individual bags. The bags shown do not have accordion structures and do not have partitions. There is no discussion in the specification of the '505 application that suggests the bags may have accordion structures or may have partitions.

In the Declaration of Mr. Keith Rosiello, inventor of the present application, which is submitted under 37 C.F.R. §1.132, Applicant attests as to the plural and nonpartitioned structure of the "bag set" disclosed in FIG. 3 of the '505 application, as distinct from the partitioned processing chambers claimed in the instant application. In the Declaration, Applicant explains that the single chamber having the expandable, accordion-like structure was not known or developed at the time of filing of the '505 application. Furthermore, Applicant attests that FIGs 1, 3, and 4 illustrate a bag set, that is, six *non-partitioned* centrifuge bags mounted on a rotor.

The '451 application, of which Mr. Rosiello is an inventor, is a continuation in part of the '505 application. The Declaration of Mr. Keith Rosiello attests that the centrifuge chamber shown and described in the '451 application is the same chamber described in the '505 application. Mr. Rosiello states that the single chamber having the expandable, accordion-like structure was not known or developed at the time of filing of the '451 application.

Since neither the '505 application nor the '451 application do not disclose a partitioned bag, as claimed in the instant application, Applicant respectfully asserts the '505 application and the '451 application do not anticipate the instant claims. Accordingly, Applicant requests withdrawal of these rejections.

B. U.S. Patent 2,686,006

Claims 1-18 stand rejected under 35 USC §102(b) as being anticipated by the '006 patent.

Claims 1, 9, 19 and 20 have been amended to include the limitation that the flexible chamber comprises a first side with an axial opening and a second side with an axial opening. Support for these amendments is discussed above.

The '006 patent discloses a pneumatic bellows pump. The pump shown and described has an opening on one side of the bellows mechanism, to permit the expulsion of air. The other side of the bellows is necessarily closed, otherwise air would escape from both sides of the bellows upon compression, and the air flow would be uncontrolled, rendering the bellow useless. In contrast, the chamber claimed in the instant invention requires axial openings on both sides, permitting the chamber to be adapted to a central hub that adapts to the centrifuge spindle. This structural distinction of axial openings on both sides is important, as the chambers are designed to be used in parallel. This feature is not found in the '006 patent. Hence, Applicant believes the claims as amended now render the rejection under 102(b) moot.

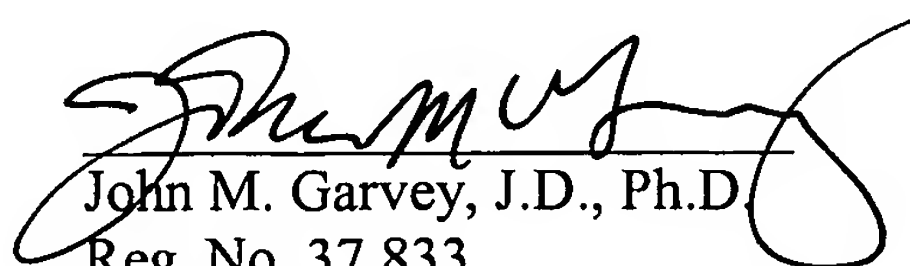
Since the 'the '006 patent does not disclose a chamber having axial openings on both sides, that is adaptable to a continuous flow centrifuge, as claimed in the instant application, Applicant respectfully asserts the '006 patent does not anticipate the instant claims, and requests withdrawal of this rejection.

Conclusion

Applicant submits that the present application is in condition for allowance and such action is respectfully requested. Should any questions or issues arise concerning the application, the Examiner is encouraged to contact the undersigned at the telephone number 617-342-4000. The Commissioner is hereby authorized to charge payment of any filing fees required in connection with the papers transmitted herewith, or credit any overpayment of same, to Deposit Account No. 50-3431 (Reference No. ZQI-127US).

Respectfully submitted,

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